

Episode 49

A Few Miscellaneous Incidents

I remained affiliated with the Supreme Court for almost seventeen years. During this time, many instructional or interesting incidents occurred. The heart desires to relate a few of them.

1. As judges of the Supreme Court, we had been accorded certain protocol, as is the custom. However, my temperament preferred simplicity and disliked certain aspects of it. At the same time, I considered them logically appropriate as the honour of the Supreme Court deserved this. For example, whenever our vehicle, which would bear a waving green flag of Pakistan, would arrive before a police officer, he would salute us while standing at attention.

One time, our bench's sitting was to take place in the High Court building of Karachi. After completing my court-related tasks, when I returned to my flag-bearing vehicle and departed from the High Court, police officials saluted me as usual. After leaving the High Court, my chauffeur informed that something urgent had come up at his home due to which he would send me home and then return to the city. I thought to myself that the poor man had some unexpected urgent need at home, and it would be very late by the time he sent me to Darul Uloom and then returned home. I thus told him to head for his house from there itself, and to then remove the flag from the vehicle and hand me the vehicle, and that I would drive myself to Darul Uloom. Initially, the chauffeur was not ready for this, but I insisted and persuaded him.

He removed the flag from the vehicle and I came to the driver's seat and began driving myself. Since I did not have to drive myself since a long time, I found slight difficulty at the start, but then I regained fluency. However, I had forgotten which roads were one-way and which two-way. At the Saddar area, I thus drove into a road which was one-way, where it was against traffic laws to do so. I had just turned into that road when I realized my mistake and was thinking how to rectify it, when a traffic constable stopped me and yelled in anger: "Can't you see that this is a one-way road?" I stopped the vehicle and said to him: "I have indeed erred. I did not remember if this road was one-way or two-way". He again said in a harsh tone: "You

did not remember, then can't you see this board?" I apologized again, but he began writing a traffic ticket. I said: "I indeed erred. Sure, you can write a traffic ticket". In the meanwhile, someone who recognized me stopped on their way and said to the policeman: "He is a judge in the Supreme Court. Why are you quarrelling with him?" His state transformed when he came to know that I was a judge in the Supreme Court. He came to me shamefaced and apologetic and began asking for forgiveness. I said: "You have performed your duty, so you have done nothing wrong. However, whenever such a situation occurs, you should not make your tone harsh. Writing a ticket is your duty, but it can be done with good manners". Thereafter I asked him to write the ticket, but he stood clasping his hands together and said: "Sir! I cannot perpetrate this impudence". I said to him: "This is not impudence, rather it is your duty to write the ticket". I eventually compelled him to write the ticket.

Nonetheless, after a person reaches high positions, Allah Most High continues to remind him of his reality through such incidents.

2. I had a blue official passport during my appointment in the Supreme Court. Several facilities were received with such a passport, for example visa would not be required to visit many countries. However, there was some inconvenience as well, which is that whenever I had to travel overseas, I would have to get an NOC¹ from either the President or Prime Minister of the country. While it would always be received, the process of receiving it would take quite some time, and sometimes the procedures would be completed shortly before the flight time.

When the People's Party came to power and I had to travel for the very first time during their tenure, it was a trip to Bahrain to participate in the Shariah Board of *Maşraf al-Baḥrain al-Islāmi*. To obtain NOC from the government for this trip, a file was sent to the Prime Minister, but it took quite some time to get the reply. And when the reply came, the following kind of words were written by Madam's own pen:

¹ Translator: NOC: No Objection Certificate

“Permitted, and Mr.... MNA will accompany his lordship.”

Next to “Mr” was the name of a minister from interior Sindh. I was astonished at reading these words as the meeting for which I was travelling was an internal meeting of a private organization which only its members could attend, and sending anyone else to participate in that meeting was meaningless. I did not even know the individual who was being ordered to accompany me. I was perplexed as to why he was being attached to me, and what was the objective of doing this? It was also unclear as to who would bear his travel expenses? And will he travel with me or separately, and where will he stay and who will pay for his accommodation? These questions remained unanswered until the time for my trip arrived and I reached Bahrain. There, my accommodation was arranged by *Maşraf al-Baḥrain* in Hotel Regency Intercontinental.

It was later learned that the Pakistani embassy had been instructed to arrange for his accommodation in the same hotel as myself, but at that time the embassy could not arrange for the finances for his accommodation in that hotel, so they contacted the Chief Executive of *Maşraf al-Baḥrain al-Islāmi*. He said to them: “We must excuse ourselves from allowing him to participate in the meeting. However, since he has arrived at the instructions of the Prime Minister of Pakistan, we shall arrange for his accommodation in the hotel”. Thereafter when I arrived for the meeting, that individual’s sudden arrival was being discussed with subtle smiles, while I was feeling embarrassed as to how to explain this incident?

The next day, I received a phone call from the individual who was sent with me. He was staying in the same hotel. He said: “I have arrived in Bahrain”. I asked: “What brought you here?” He said: “Madam has sent me to participate in the meeting with you”. I said: “This is a meeting of a private organization in which only members can participate, and all participants of this meeting are scholars and the discussions will be in Arabic. Thus, your participation in this meeting is meaningless. I could not understand as to why you have been sent on this occasion.” At this he said: “Oh! Perhaps Madam has sent me for sightseeing”. Later he met me in my room. It was then that I realized that this was in fact a way of rewarding a Member of Assembly of one’s party. He was sent to Bahrain on the government’s expenses but had to receive the

favour of a foreign business institution for hotel accommodation. Due to this, the Pakistani embassy had to endure embarrassment in a foreign country, and so did I. He went for sightseeing around Bahrain for a few days and then returned home, and this incident remained in my memory with feelings of bewilderment, lamentation, and regret.

3. During various cases, we would have consultations with other judges as well. Many legal points would come under discussion in those consultations. On such occasions, I would also present my opinion regarding the legal points under discussion. On one such occasion, respected Justice Afzal Zullah heard my point and then said to the other judges regarding me: “He grasps legal points very fast. If he had taken up a career as a lawyer, he would have been an excellent lawyer.” Justice Nasim Hasan Shah said: “He was a medallist of his cohort in LLB”. At this I said: “I you find in me an understanding of legal points, then it is not because I studied LLB, but because Alhamdulillah I have tried to study and teach *fiqh* (Islamic jurisprudence) and *usūl al-fiqh* (principles of Islamic jurisprudence) in religious madrasas properly and by understanding them thoroughly.” Thereafter I informed them of the kind of intricate discussions that take place in *fiqh* and *usūl al-fiqh*, and that if one studies them properly, then the ability to comprehend law is automatically inculcated in one.

Trip to South Africa for the Case Filed by the Qadianis

During this time, it so transpired in the South African city of Cape Town that a group of the Lahori Qadianis filed a petition against the Muslims in the Supreme Court of Cape Town, in which they complained that Muslims did not allow them to bury their dead in the Muslims’ graveyards. With respect to this petition, they were able to obtain a temporary prohibitory injunction. I received a telegram from my friend Mr Abu Bakr Warachia in which he informed that 6th of August had been set as the date for the hearing to ratify this prohibitory injunction. (This hearing was later deferred to 9th of September). He stated: “Your presence here to assist the Muslims is necessary”. The Muslim organizations in South Africa contacted the government of Pakistan as well as the Muslim World League, requesting their support in this case. The Majlis Tahaffuz Khatm-e-Nubuwwat also decided to extend support to the Muslims. In this manner, a delegation became

ready to travel to South Africa, in which I went in my personal capacity, while Maulana Abdur Raheem Ash‘ar, Mufti Zainul Abideen and Haji Ghias Muhammad (former Attorney General of Pakistan) were sent on behalf of the Majlis Tahaffuz Khatm-e-Nubuwwat, and Maulana Zafar Ahmad Ansar and Justice Muhammad Afzal Cheema were nominated on behalf of the Muslim World League. Consequently, all of us travelled together on the 5th of September 1982, and ultimately the Court annulled the prohibitory injunction that had been granted to the Qadianis. This trip proved to be successful to this extent. An account of this trip and case is available in my book “Jahan-e-Deeda” under the description of the second trip to South Africa.

Hajj of 1402 AH

It was the beginning of Dhu al-Hijjah when the case came to a close. I planned to attain the blessing of Hajj from here. Initially, I had thought of undertaking this journey alone, so that I could perform this worship with single-minded focus. However, when I departed for Jeddah, Mufti Zainul Abideen (may Allah have mercy on him) said to me: “Maulana Abdur Rahim Ash‘ar of Majlis Tahaffuz Khatm-e-Nubuwwat has also made intention of Hajj, and he would be visiting the Hijaz for the very first time. He suffers from high blood pressure, so performing Hajj alone would be difficult for him. You take him with you”. Thus, Maulana (may Allah have mercy on him) became my travel mate. Prior to Jeddah, we visited Madinah Munawwarah. Hadhrat Qari Basheer had arranged our accommodation near Bab as-Salam to the south of the Haram al-Nabawi, and by the grace of Allah, a few days were spent there in great ‘āfiyah and blessing. We had intended to depart for Makkah Mukarramah early morning on the 7th of Dhu al-Hijjah, so that we could proceed for Hajj from there the next day. However, a friend of ours in Madinah Munawwarah vehemently insisted that he would also be performing Hajj so we should travel with him. He had said that we would depart from Madinah Munawwarah after *zuhr* InshaAllah and reach Makkah Mukarramah by night. Meanwhile, through the intermediary of my late friend Mr Imtiaz, I had coordinated with Jeddah’s Mr Qadirullah Siddiqui (may his shade be extended)¹, who takes a

¹ Mr Qadirullah Siddiqui nowadays resides in Madinah Munawwarah after retiring from Saudi Arabian Airlines.

wagon for Hajj, that when he would come to Makkah Mukarramah on the 8th of Dhu al-Hijjah at 8am, I would travel to Mina with him. On the assurance of the friend of Madinah Munawwarah who insisted on taking me to Makkah Mukarramah, I agreed to travel with him instead of taking a separate taxi. However, he delayed in departing from Madinah Munawwarah and we eventually departed after isha.

Though it was quite late, I still thought that we should reach Makkah Mukarramah by late night. However, due to high traffic, the vehicle moved slower than usual, and the icing on the cake came at around 2am when we reached Asfan, where the routes to Makkah Mukarramah and Jeddah branch out, when he turned the vehicle towards Jeddah instead of Makkah Mukarramah. At asking he said: "I have to take some things from Jeddah, so we shall travel to Jeddah first". This was a very painful revelation for me, but there was nothing we could do except follow him. We eventually reached Jeddah and he took his things and thereafter we headed for Makkah Mukarramah. When it was about one hour to morning, he stopped the vehicle on the side of the road and said: "I am feeling very sleepy and driving in this condition is dangerous, so I will sleep for a while here". Saying this, he spread a mat on the side of the road and also invited us to have a nap, and within moments dozed off to a world of sweet dreams.

Since morning was approaching and we had to perform *Ṭawāf Qudūm* first and then depart for Mina at 8am, I sat waiting for the aforementioned individual to somehow wake up and we could resume our journey. In that situation, the following couplet of the late Mr Mahir was quite fitting:

راہرو ہے کہ بیٹھا ہے، تو اب اٹھ نہیں سکتا

منزل ہے کہ جز زحمت یک گام نہیں ہے

The traveller has sat down such that he cannot get up again

While the destination is not beyond the exertion of a single step

And sometimes the following couplet of the poet of Ḥamāsah:

فبت أريه عرسه وبناته

وبات يُريني التجم أين مخافه

The aforementioned individual woke up at long last, may Allah Most High grant him the shade of His mercy, and we proceeded. Soon after, the police stopped our vehicle and said that our wagon could not proceed ahead. We would have to park the wagon and then continue our journey by bus. The distance from the parking lot to the bus stop was not less than a kilometre. Carrying heavy luggage, we would make rounds from one bus to another, trying to find a place, but due to the large number of travellers, the buses would be filled up immediately. At long last, we loaded our luggage on the roof of a bus and found some place to stand, and the bus crawled forward. Makkah Mukarramah was nearby. We entered Makkah Mukarramah and the sound of fajr adhan echoed from the sacred Haram, but we could not alight from the bus nor could we reach the Haram. When the sun was near rising, we somehow alighted from the bus, quickly offered fajr prayer on the footpath, and re-boarded the bus. As before, the bus would creep along a few feet and then come to a stop. This continued until 7:30am, while 8:30am had been set as the time to meet Mr Qadirullah Siddiqui (may his shade be extended) to depart for Mina. I finally decided to get off the bus mid-way and to take the luggage to Madrasa Sawlatiyya on foot, and to take Maulana Abdur Raheem Ash'ar along. I thus did this and reached Madrasa Sawlatiyya at around 8am and deposited the luggage there. I then took Maulana Abdur Raheem Ash'ar along to perform *Tawāf Qudūm*.

This was Maulana's first journey of Hajj, so I feared that if he separated from me in the crowd, he would face severe difficulties. I thus stressed on him that he should not let go of my hand during Tawaf. However, during a middle round, such a wave of the crowd came between us that he got separated from me. I somehow completed the Tawaf and thereafter searched the entire Haram but could not find him. I finally thought that he may perhaps had reached Madrasa Sawlatiyya, so I returned to the Madrasa, but he was not there. Meanwhile, I was receiving repeated messages from Mr Siddiqui that he was waiting for us at Shari' al-Mansoor together with other companions, and that I should reach him as soon as possible. This was a tough moment

for me. I was aware that Maulana Ash'ar suffered from high blood pressure and that crowds made him very anxious, and that if he was left behind alone, he would suffer from unbearable difficulties. On the other hand, I did not have any other arrangement for going to Mina and performing Hajj. However, I sent a message to Mr Qadirullah Siddiqui that he should not wait for me beyond 11am nor make other companions wait due to me. If I could not arrive by 11am, he should proceed without me, but I could not go without Maulana.

When 11am approached, I again came out to further search for him. On the way, I met Hadhrat Maulana Ashiq Ilahi Bulandshahri (may Allah have mercy on him) who was leaving for Mina together with his companions. He offered: "You can come with me", but I could not bear going without Maulana. While I mentioned this excuse to him, I was at a loss as to how I could perform Hajj after declining both of them?

I was still supplicating to Allah when suddenly, by the grace and favour of Allah Most High, Maulana Ash'ar somehow reached the Madrasa, and I breathed a sigh of relief at seeing him. While it was past 11am, at that moment Mr Qadirullah Siddiqui's phone call came to Maulana Shameem (may Allah have mercy on him), Rector of Madrasa Sawlatiyya, that he had not departed yet and that we could still join them if we reached Shari' Mansoor. May Allah recompense the best of rewards to Mr Sa'di (may Allah have mercy on him), for he got ready to take us to Shari' Mansoor in his vehicle, and going through a sea of traffic, we somehow reached the wagon and departed for Mina.

Mr Siddiqui had arranged our accommodation in a building in Mina where Hadhrat Maulana Faqir Muhammad (may Allah have mercy on him), *khalifa* of Hadhrat Thanvi (may Allah have mercy on him), was also staying, and I received the good fortune of his blessed company during the days in Mina, and Hadhrat's benevolence inundated me. He commanded: "You have to lead the prayers". I thus complied with his command, and when Hadhrat would see me, he would say: "This is our Imam".

Alhamdulillah, I received the good fortune of performing Hajj in this blessed company, and also received the companionship of Hadhrat Maulana Abdur Raheem Ash'ar. Due to his health issues,

he would be anxious of crowds, and he wanted to perform Ṭawāf Ziyārat and Sa'ee on a conveyance. In those days, the use of wheelchairs for Tawaf was not in vogue. Instead, incapacitated individuals would be carried for Tawaf on a platform similar to a bedstead, which was called "Shubri". He was insisting on doing Tawaf on Shubri, but when I asked for its rent, it was very high. I thus performed my Ṭawāf Ziyārat first, went out of the Haram, and brought several bottles of cool water (water coolers were not available in the Haram in those days). I told him that during Tawaf, I would pour water on his chest every now and then which would keep him comfortable. He agreed to this, and we held each other's hand and Alhamdulillah completed Tawaf in such a manner that I would pour water on his chest every now and then. We came to Jeddah immediately after Hajj, where we stayed in the house of our very beloved friend the late Mr Imtiaz. He was the same enviable young man who had compiled and published the malfūzāt (sayings) of Hadhrat Arifi. May Allah Most High grant him high ranks in Paradise, for he always treated this lowly one with love and warmth. He had designated a separate room for me. He later passed away in his youth due to brain tumour. رحمه الله تعالى رحمة واسعة. By the grace of Allah, we returned home safely on the 1st of October 1982.